

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

Penny Mathews,

Plaintiff,

vs.

Bronger Masonry, Inc.,

Defendant.

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1:09-cv-00478-SEB-DML

**ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION**

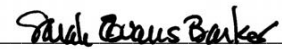
This matter comes once more before the Court, this time on Plaintiff Penny Mathews’s Motion for Reconsideration of the Court’s February 18, 2011 Findings of Fact and Conclusions of Law, pursuant to Federal Rule of Civil Procedure 59(e). To prevail on such a motion, “the movant must present either newly discovered evidence or establish manifest error of law or fact.” Oto v. Metropolitan Life Ins. Co., 224 F.3d 601, 606 (7<sup>th</sup> Cir. 2000). Manifest error is the “wholesale disregard, misapplication, or failure to recognize controlling precedent.” Id. (quoting Sedrak v. Callahan, 987 F. Supp. 1063, 1069 (N.D. Ill. 1997)).

Ms. Mathews seeks additional findings of fact and amended findings of fact and conclusions of law. However, she has presented no new evidence or cited to any legal precedent to support her request, let alone established that this Court erred in its prior ruling(s). Rather, Ms. Mathews’s request for additional findings of fact relates not at all to our previous analysis and is replete with arguments that have either been previously

rejected or reflect a misunderstanding of our holding. Therefore, Ms. Mathews's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

Date: 04/18/2011

A handwritten signature in black ink, appearing to read "Sarah Evans Barker", written over a horizontal line.

SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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